

that action. Thus a man who goes into a public marketplace to incite the subject to revolt incurs the guilt of high treason, because the words are joined to the action, and partake of its nature. It is not the words that are punished, but an action in which words are employed. They do not become criminal but when they are annexed to a criminal action; everything is confounded if words are construed into a capital crime, instead of considering them only as a mark of that crime.

The Emperors Theodosius, Arcadius, and Honorius wrote thus to Rufinus, who was *praefectus praetorio*: "Though a man should happen to speak amiss of our person or government, we do not intend to punish him. If he has spoken through levity, we must despise him; if through folly, we must pity him; and if he wrongs us, we must forgive him. Therefore, leaving things as they are, you are to

inform us accordingly, that we may be able to judge of words by persons, and that we may duly consider whether we ought to punish or overlook them."

X. In writings there is something more permanent than in words, but when they are in no way preparative to high treason they cannot amount to that charge. [ . . . ]

### REVIEW QUESTIONS

1. What kinds of liberty does Montesquieu distinguish?
2. On what basis does he make his distinctions?
3. What is the relation between liberty and reason?
4. What is the relation between crime and nature?
5. What role does a concept of nature play in Montesquieu's differentiation of crimes?

## CESARE, MARCHESE DI BECCARIA BONESANA

### FROM *An Essay on Crimes and Punishments*

*Cesare, marchese di Beccaria Bonesana* (1738–1794), was an economist and criminologist and one of the best-known Italian thinkers of the Enlightenment. Born the son of a Milanese aristocrat, he was educated by Jesuits and received a degree in law from the University of Pavia in 1755. He gravitated into the enlightened circle around Count Pietro Verri, who encouraged him in 1763 to take up the study of criminal law. Beccaria's great work, *An Essay on Crimes and Punishments*, appeared a year later. Arguing on the basis of utilitarian principles—the greatest good for the greatest number—he excoriated the barbaric and ineffective legal practices of his day, such as judicial torture, extreme punishment, and magisterial corruption. The effectiveness of the law, he reasoned, depended ultimately on its certainty rather than its severity. Thus, torture should be abolished and punishments made proportional to the crimes. For the same reason Beccaria became the first modern writer to advocate the abolition of capital punishment. The work proved tremendously influential, guiding legal reforms across Europe and winning champions such as Jeremy Bentham.

From *An Essay on Crimes and Punishments*, by Cesare Beccaria Bonesana (Stanford: Academic Reprints, 1953), pp. 15–19, 47, 59–67, 95–96.

### Chapter 1 Of the Origin of Punishments

Laws are the conditions under which men, naturally independent, united themselves in society. Weary of living in a continual state of war, and of enjoying a liberty, which became of little value, from the uncertainty of its duration, they sacrificed one part of it, to enjoy the rest in peace and security. The sum of all these portions of the liberty of each individual constituted the sovereignty of a nation and was deposited in the hands of the sovereign, as the lawful administrator. But it was not sufficient only to establish this deposit; it was also necessary to defend it from the usurpation of each individual, who will always endeavour to take away from the mass, not only his own portion, but to encroach on that of others. Some motives therefore, that strike the senses were necessary to prevent the despotism of each individual from plunging society into its former chaos. Such motives are the punishments established against the infractors of the laws. I say that motives of this kind are necessary; because experience shows, that the multitude adopt no established principle of conduct; and because society is prevented from approaching to that dissolution, (to which, as well as all other parts of the physical and moral world, it naturally tends,) only by motives that are the immediate objects of sense, and which being continually presented to the mind, are sufficient to counterbalance the effects of the passions of the individual which oppose the general good. Neither the power of eloquence nor the sublimest truths are sufficient to restrain, for any length of time, those passions which are excited by the lively impressions of present objects.

### Chapter 2 Of the Right to Punish

Every punishment which does not arise from absolute necessity, says the great Montesquieu, is tyrannical. A proposition which may be made more general thus: every act of authority of one man

over another, for which there is not an absolute necessity, is tyrannical. It is upon this then that the sovereign's right to punish crimes is founded; that is, upon the necessity of defending the public liberty, entrusted to his care, from the usurpation of individuals; and punishments are just in proportion, as the liberty, preserved by the sovereign, is sacred and valuable.

Let us consult the human heart, and there we shall find the foundation of the sovereign's right to punish, for no advantage in moral policy can be lasting which is not founded on the indelible sentiments of the heart of man. Whatever law deviates from this principle will always meet with a resistance which will destroy it in the end; for the smallest force continually applied will overcome the most violent motion communicated to bodies.

No man ever gave up his liberty merely for the good of the public. Such a chimera exists only in romances. Every individual wishes, if possible, to be exempt from the compacts that bind the rest of mankind.

The multiplication of mankind, though slow, being too great, for the means which the earth, in its natural state, offered to satisfy necessities which every day became more numerous, obliged men to separate again, and form new societies. These naturally opposed the first, and a state of war was transferred from individuals to nations.

Thus it was necessity that forced men to give up a part of their liberty. It is certain, then, that every individual would choose to put into the public stock the smallest portion possible, as much only as was sufficient to engage others to defend it. The aggregate of these, the smallest portions possible, forms the right of punishing; all that extends beyond this, is abuse, not justice.

Observe that by *justice* I understand nothing more than that bond which is necessary to keep the interest of individuals united, without which men would return to their original state of barbarity. All punishments which exceed the necessity of preserving this bond are in their nature unjust. We should be cautious how we associate

with the word *justice* an idea of any thing real, such as a physical power, or a being that actually exists. I do not, by any means, speak of the justice of God, which is of another kind, and refers immediately to rewards and punishments in a life to come.

### Chapter 12 Of the Intent of Punishments

From the foregoing considerations it is evident that the intent of punishments is not to torment a sensible being, nor to undo a crime already committed. Is it possible that torments and useless cruelty, the instrument of furious fanaticism or the impotency of tyrants, can be authorised by a political body, which, so far from being influenced by passion, should be the cool moderator of the passions of individuals? Can the groans of a tortured wretch recall the time past, or reverse the crime he has committed?

The end of punishment, therefore, is no other than to prevent the criminal from doing further injury to society, and to prevent others from committing the like offence. Such punishments, therefore, and such a mode of inflicting them, ought to be chosen, as will make the strongest and most lasting impressions on the minds of others, with the least torment to the body of the criminal.

### Chapter 16 Of Torture

The torture of a criminal during the course of his trial is a cruelty consecrated by custom in most nations. It is used with an intent either to make him confess his crime, or to explain some contradictions into which he had been led during his examination, or discover his accomplices, or for some kind of metaphysical and incomprehensible purgation of

infamy, or, finally, in order to discover other crimes of which he is not accused, but of which he may be guilty.

No man can be judged a criminal until he be found guilty nor can society take from him the public protection until it have been proved that he has violated the conditions on which it was granted. What right, then, but that of power, can authorise the punishment of a citizen so long as there remains any doubt of his guilt? This dilemma is frequent. Either he is guilty, or not guilty. If guilty, he should only suffer the punishment ordained by the laws, and torture becomes useless, as his confession is unnecessary. If he be not guilty, you torture the innocent; for, in the eye of the law, every man is innocent whose crime has not been proved. Besides, it is confounding all relations to expect that a man should be both the accuser and accused; and that pain should be the test of truth, as if truth resided in the muscles and fibres of a wretch in torture. By this method the robust will escape, and the feeble be condemned. These are the inconveniences of this pretended test of truth, worthy only of a cannibal, and which the Romans, in many respects barbarous, and whose savage virtue has been too much admired, reserved for the slaves alone.

What is the political intention of punishments? To terrify and be an example to others. Is this intention answered by thus privately torturing the guilty and the innocent? It is doubtless of importance that no crime should remain unpunished; but it is useless to make a public example of the author of a crime hid in darkness. A crime already committed, and for which there can be no remedy, can only be punished by a political society with an intention that no hopes of impunity should induce others to commit the same. If it be true, that the number of those who from fear or virtue respect the laws is greater than of those by whom they are violated, the risk of torturing an innocent person is greater, as there is a greater probability that, *ceteris paribus*, an individual hath observed, than that he hath infringed the laws.

There is another ridiculous motive for torture, namely, *to purge a man from infamy*. Ought such an

abuse to be tolerated in the eighteenth century? Can pain, which is a sensation, have any connection with a moral sentiment, a matter of opinion? Perhaps the rack may be considered as the refiner's furnace.

It is not difficult to trace this senseless law to its origin; for an absurdity, adopted by a whole nation, must have some affinity with other ideas established and respected by the same nation. This custom seems to be the offspring of religion, by which mankind, in all nations and in all ages, are so generally influenced. We are taught by our infallible church, that those stains of sin contracted through human frailty, and which have not deserved the eternal anger of the Almighty, are to be purged away in another life by an incomprehensible fire. Now infamy is a stain, and if the punishments and fire of purgatory can take away all spiritual stains, why should not the pain of torture take away those of a civil nature? I imagine, that the confession of a criminal, which in some tribunals is required as being essential to his condemnation, has a similar origin, and has been taken from the mysterious tribunal of penitence, where the confession of sins is a necessary part of the sacrament. Thus have men abused the unerring light of revelation; and, in the times of tractable ignorance, having no other, they naturally had recourse to it on every occasion, making the most remote and absurd applications. Moreover, infamy is a sentiment regulated neither by the laws nor by reason, but entirely by opinion; but torture renders the victim infamous, and therefore cannot take infamy away.

Another intention of torture is to oblige the supposed criminal to reconcile the contradictions into which he may have fallen during his examination; as if the dread of punishment, the uncertainty of his fate, the solemnity of the court, the majesty of the judge, and the ignorance of the accused, were not abundantly sufficient to account for contradictions, which are so common to men even in a state of tranquility, and which must necessarily be multiplied by the perturbation of the mind of a man entirely engaged in the thoughts of saving himself from imminent danger.

This infamous test of truth is a remaining monument of that ancient and savage legislation, in which

trials by fire, by boiling water, or the uncertainty of combats, were called *judgments of God*; as if the links of that eternal chain, whose beginning is in the breast of the first cause of all things, could ever be disunited by the institutions of men. The only difference between torture and trials by fire and boiling water is, that the event of the first depends on the will of the accused, and of the second on fact entirely physical and external: but this difference is apparent only, not real. A man on the rack, in the convulsions of torture, has it as little in his power to declare the truth, as, in former times, to prevent without fraud the effects of fire or boiling water.

Every act of the will is invariably in proportion to the force of the impression on our senses. The impression of pain, then, may increase to such a degree, that, occupying the mind entirely, it will compel the sufferer to use the shortest method of freeing himself from torment. His answer, therefore, will be an effect as necessary as that of fire or boiling water, and he will accuse himself of crimes of which he is innocent: so that the very means employed to distinguish the innocent from the guilty will most effectually destroy all difference between them.

It would be superfluous to confirm these reflections by examples of innocent persons who, from the agony of torture, have confessed themselves guilty: innumerable instances may be found in all nations, and in every age. How amazing that mankind have always neglected to draw the natural conclusion! Lives there a man who, if he has carried his thoughts ever so little beyond the necessities of life, *when he reflects on such cruelty, is not tempted to fly from society, and return to his natural state of independence?*

The result of torture, then, is a matter of calculation, and depends on the constitution, which differs in every individual, and it is in proportion to his strength and sensibility; so that to discover truth by this method, is a problem which may be better solved by a mathematician than by a judge, and may be thus stated: *The force of the muscles and the sensibility of the nerves of an innocent person being given, it is required to find the degree of pain necessary to make him confess himself guilty of a given crime.*

The examination of the accused is intended to find out the truth: but if this be discovered with so much difficulty in the air, gesture, and countenance of a man at ease, how can it appear in a countenance distorted by the convulsions of torture? Every violent action destroys those small alterations in the features which sometimes disclose the sentiments of the heart.

These truths were known to the Roman legislators, amongst whom, as I have already observed, slaves only, who were not considered as citizens, were tortured. They are known to the English a nation in which the progress of science, superiority in commerce, riches, and power, its natural consequences, together with the numerous examples of virtue and courage, leave no doubt of the excellence of its laws. They have been acknowledged in Sweden, where torture has been abolished. They are known to one of the wisest monarchs in Europe, who, having seated philosophy on the throne by his beneficent legislation, has made his subjects free, though dependent on the laws; the only freedom that reasonable men can desire in the present state of things. In short, torture has not been thought necessary in the laws of armies, composed chiefly of the dregs of mankind, where its use should seem most necessary. Strange phenomenon! that a set of men, hardened by slaughter, and familiar with blood, should teach humanity to the sons of peace.

It appears also that these truths were known, though imperfectly, even to those by whom torture has been most frequently practised; for a confession made during torture, is null, if it be not afterwards confirmed by an oath, which if the criminal refuses, he is tortured again. Some civilians and some nations permit this infamous *petitio principii* to be only three times repeated, and others leave it to the discretion of the judge; therefore, of two men equally innocent, or equally guilty, the most robust and resolute will be acquitted, and the weakest and most pusillanimous will be condemned, in consequence of the following excellent mode of reasoning. *I, the judge, must find some one guilty. Thou, who art a strong fellow, hast been able to resist the force of torment; therefore I acquit thee. Thou, being*

*weaker, hast yielded to it; I therefore condemn thee. I am sensible, that the confession which was extorted from thee has no weight; but if thou dost not confirm by oath what thou hast already confessed, I will have thee tormented again.*

A very strange but necessary consequence of the use of torture is, that the case of the innocent is worse than that of the guilty. With regard to the first, either he confesses the crime which he has not committed, and is condemned, or he is acquitted, and has suffered a punishment he did not deserve. On the contrary, the person who is really guilty has the most favourable side of the question; for, if he supports the torture with firmness and resolution, he is acquitted, and has gained, having exchanged a greater punishment for a less.

The law by which torture is authorised, says, *Men, be insensible to pain. Nature has indeed given you an irresistible self-love, and an unalienable right of self-preservation; but I create in you a contrary sentiment, an heroical hatred of yourselves. I command you to accuse yourselves, and to declare the truth, amidst the tearing of your flesh and the dislocation of your bones.*

\* \* \*

## Chapter 27 Of the Mildness of Punishments

The course of my ideas has carried me away from my subject, to the elucidation of which I now return. Crimes are more effectually prevented by the *certainty* than the *severity* of punishment. Hence in a magistrate the necessity of vigilance, and in a judge of implacability, which, that it may become an useful virtue, should be joined to a mild legislation. The certainty of a small punishment will make a stronger impression than the fear of one more severe, if attended with the hopes of escaping; for it is the nature of mankind to be terrified at the approach of the smallest inevitable evil, whilst hope, the best gift of Heaven, hath the power of dispelling the apprehension of a greater, especially if supported by examples of impunity, which weakness or avarice too frequently afford.

If punishments be very severe, men are naturally led to the perpetration of other crimes, to avoid the punishment due to the first. The countries and times most notorious for severity of punishments were always those in which the most bloody and inhuman actions and the most atrocious crimes were committed for the hand of the legislator and the assassin were directed by the same spirit of ferocity, which on the throne dictated laws of iron to slaves and savages, and in private instigated the subject to sacrifice one tyrant to make room for another.

In proportion as punishments become more cruel, the minds of men, as a fluid rises to the same height with that which surrounds it, grow hardened and insensible; and the force of the passions still continuing, in the space of an hundred years the *wheel* terrifies no more than formerly the *prison*. That a punishment may produce the effect required, it is sufficient that the *evil* it occasions should exceed the *good* expected from the crime, including in the calculation the certainty of the punishment, and the privation of the expected advantage. All severity beyond this is superfluous, and therefore tyrannical.

Men regulate their conduct by the repeated impression of evils they know, and not by those with which they are unacquainted. Let us, for example, suppose two nations, in one of which the greatest punishment is *perpetual slavery*, and in the other the *wheel*: I say, that both will inspire the same degree of terror, and that there can be no reasons for increasing the punishments of the first, which are not equally valid for augmenting those of the second to more lasting and more ingenious modes of tormenting, and so on to the most exquisite refinements of a science too well known to tyrants.

There are yet two other consequences of cruel punishments, which counteract the purpose of their institution, which was, to prevent crimes. The first arises from the impossibility of establishing an exact proportion between the crime and pun-

ishment; for though ingenious cruelty hath greatly multiplied the variety of torments, yet the human frame can suffer only to a certain degree, beyond which it is impossible to proceed, be the enormity of the crime ever so great. The second consequence is impunity. Human nature is limited no less in evil than in good. Excessive barbarity can never be more than temporary, it being impossible that it should be supported by a permanent system of legislation; for if the laws be too cruel, they must be altered, or anarchy and impunity will succeed.

Is it possible without shuddering with horror, to read in history of the barbarous and useless torments that were coolly invented and executed by men who were called sages? Who does not tremble at the thoughts of thousands of wretches, whom their misery, either caused or tolerated by the laws, which favoured the few and outraged the many, had forced in despair to return to a state of nature, or accused of impossible crimes, the fabric of ignorance and superstition, or guilty only of having been faithful to their own principles; who, I say, can, without horror, think of their being torn to pieces, with slow and studied barbarity, by men endowed with the same passions and the same feelings? A delightful spectacle to a fanatic multitude!

## REVIEW QUESTIONS

- According to Beccaria, what is the proper basis of law in human society?
- What is the legal purpose and function of punishment?
- Why is torture irrational?
- What does Beccaria's criminal theory reveal about his assumptions concerning human nature and human society?
- What aspects of Beccaria's thought qualify as enlightened in the strict, historical sense of the term?

JEAN-JACQUES ROUSSEAU  
FROM *The Social Contract*

Jean-Jacques Rousseau (1712–1778) was one of the most original writers of the Enlightenment. A native of Geneva, he was raised by his father, a watchmaker. At sixteen years of age, he left home and eventually settled in Paris. His first attempts to penetrate the world of philosophes and encyclopédistes were not very successful. In 1750, however, he won a literary award from the Academy of Dijon for an essay that contrasted the corruption of modern civilization with the natural goodness of simple, uncivilized human beings. Rousseau eventually settled in the town of Montmorency. His years there proved to be the most fruitful of his life. In a two-year span he wrote his most significant works: *La nouvelle Héloïse* (1761), *Emile* (1761), and *Le contrat social* (1762).

In *The Social Contract*, as well as his other works, Rousseau sought to balance the freedom of the individual against the needs of the collectivity. He believed the preservation of liberty depended on the creation of a new society by means of a social contract. The idea was not new, having been adopted by other enlightened thinkers from the political theory of John Locke. Rousseau's interpretation was highly original, however. Locke believed that the social contract preserved freedom; Rousseau argued that the social contract preserved equality. Under his social contract, people voluntarily relinquished certain rights and submitted to the general will, a vague entity that found expression in a set of positive laws under a virtuous legislator. These laws had absolute authority and would preserve absolute equality between people.

From *The Social Contract*, by Jean-Jacques Rousseau, translated by Henry J. Tozer (New York: Scribner's, 1898).

### Book I

I mean to inquire if, in the civil order, there can be any sure and legitimate rule of administration, men being taken as they are and laws as they might be. In this inquiry I shall endeavour always to unite what right sanctions with what is prescribed by interest, in order that justice and utility may in no case be divided.

I enter upon my task without proving the importance of the subject. I shall be asked if I am a prince or a legislator, to write on politics. I answer that I am

neither, and that is why I do so. If I were a prince or a legislator, I should not waste time in saying what wants doing; I should do it, or hold my peace.

As I was born a citizen of a free State, and a member of the Sovereign, I feel that, however feeble the influence my voice can have on public affairs, the right of voting on them makes it my duty to study them: and I am happy, when I reflect upon governments, to find my inquiries always furnish me with new reasons for loving that of my own country.

### CHAPTER I SUBJECT OF THE FIRST BOOK

Man is born free; and everywhere he is in chains. One thinks himself the master of others, and still remains a greater slave than they. How did this change come about? I do not know. What can make it legitimate? That question I think I can answer.

If I took into account only force, and the effects derived from it, I should say: "As long as a people is compelled to obey, and obeys, it does well; as soon as it can shake off the yoke, and shakes it off, it does still better; for, regaining its liberty by the same right as took it away, either it is justified in resuming it, or there was no justification for those who took it away." But the social order is a sacred right which is the basis of all rights. Nevertheless, this right does not come from nature, and must therefore be founded on conventions. Before coming to that, I have to prove what I have just asserted.

### CHAPTER II THE FIRST SOCIETIES

The most ancient of all societies, and the only one that is natural, is the family: and even so the children remain attached to the father only so long as they need him for their preservation. As soon as this need ceases, the natural bond is dissolved. The children, released from the obedience they owed to the father, and the father, released from the care he owed his children, return equally to independence. If they remain united, they continue so no longer naturally, but voluntarily; and the family itself is then maintained only by convention.

This common liberty results from the nature of man. His first law is to provide for his own preservation, his first cares are those which he owes to himself; and, as soon as he reaches years of discretion, he is the sole judge of the proper means of preserving himself, and consequently becomes his own master.

The family then may be called the first model of political societies: the ruler corresponds to the father, and the people to the children; and all, being born free and equal, alienate their liberty only for

their own advantage. The whole difference is that, in the family, the love of the father for his children repays him for the care he takes of them, while, in the State, the pleasure of commanding takes the place of the love which the chief cannot have for the peoples under him.

Grotius denies that all human power is established in favour of the governed, and quotes slavery as an example. His usual method of reasoning is constantly to establish right by fact. It would be possible to employ a more logical method, but none could be more favourable to tyrants.

It is then, according to Grotius, doubtful whether the human race belongs to a hundred men, or that hundred men to the human race; and, throughout his book, he seems to incline to the former alternative, which is also the view of Hobbes. On this showing, the human species is divided into so many herds of cattle, each with its ruler, who keeps guard over them for the purpose of devouring them.

As a shepherd is of a nature superior to that of his flock, the shepherds of men, i.e. their rulers, are of a nature superior to that of the peoples under them. Thus, Philo tells us, the Emperor Caligula reasoned, concluding equally well either that kings were gods, or that men were beasts.

The reasoning of Caligula agrees with that of Hobbes and Grotius. Aristotle, before any of them, had said that men are by no means equal naturally, but that some are born for slavery, and others for dominion.

Aristotle was right; but he took the effect for the cause. Nothing can be more certain than that every man born in slavery is born for slavery. Slaves lose everything in their chains, even the desire of escaping from them: they love their servitude, as the comrades of Ulysses loved their brutish condition. If then there are slaves by nature, it is because there have been slaves against nature. Force made the first slaves, and their cowardice perpetuated the condition.

I have said nothing of King Adam, or Emperor Noah, father of the three great monarchs who shared out the universe, like the children of Saturn, whom some scholars have recognized in them. I trust to getting due thanks for my moderation; for,

being a direct descendant of one of these princes, perhaps of the eldest branch, how do I know that a verification of titles might not leave me the legitimate king of the human race? In any case, there can be no doubt that Adam was sovereign of the world, as Robinson Crusoe was of his island, as long as he was its only inhabitant; and this empire had the advantage that the monarch, safe on his throne, had no rebellions, wars, or conspirators to fear.

### CHAPTER III THE RIGHT OF THE STRONGEST

The strongest is never strong enough to be always the master, unless he transforms strength into right, and obedience into duty. Hence the right of the strongest, which, though to all seeming meant ironically, is really laid down as a fundamental principle. But are we never to have an explanation of this phrase? Force is a physical power, and I fail to see what moral effect it can have. To yield to force is an act of necessity, not of will—at the most, an act of prudence. In what sense can it be a duty?

Suppose for a moment that this so-called "right" exists. I maintain that the sole result is a mass of inexplicable nonsense. For, if force creates right, the effect changes with the cause: every force that is greater than the first succeeds to its right. As soon as it is possible to disobey with impunity, disobedience is legitimate; and, the strongest being always in the right, the only thing that matters is to act so as to become the strongest. But what kind of right is that which perishes when force fails? If we must obey perforce, there is no need to obey because we ought; and if we are not forced to obey, we are under no obligation to do so. Clearly, the word "right" adds nothing to force: in this connection, it means absolutely nothing.

Obey the powers that be. If this means yield to force, it is a good precept, but superfluous: I can answer for its never being violated. All power comes from God, I admit; but so does all sickness; does that mean that we are forbidden to call in the doctor? A brigand surprises me at the edge of a wood: must I not merely surrender my purse on compulsion; but, even if I could withhold it, am I in con-

science bound to give it up? For certainly the pistol he holds is also a power.

Let us then admit that force does not create right, and that we are obliged to obey only legitimate powers. In that case, my original question recurs.

### CHAPTER IV SLAVERY

Since no man has a natural authority over his fellow, and force creates no right, we must conclude that conventions form the basis of all legitimate authority among men.

If an individual, says Grotius, can alienate his liberty and make himself the slave of a master, why could not a whole people do the same and make itself subject to a king? There are in this passage plenty of ambiguous words which would need explaining; but let us confine ourselves to the word *alienate*. To alienate is to give or to sell. Now, a man who becomes the slave of another does not give himself; he sells himself, at the least for his subsistence: but for what does a people sell itself? A king is so far from furnishing his subjects with their subsistence that he gets his own only from them; and, according to Rabelais, kings do not live on nothing. Do subjects then give their persons on condition that the king takes their goods also? I fail to see what they have left to preserve.

It will be said that the despot assures his subjects civil tranquillity. Granted; but what do they gain, if the wars his ambition brings down upon them, his insatiable avidity, and the vexatious conduct of his ministers press harder on them than their own dissensions would have done? What do they gain, if the very tranquillity they enjoy is one of their miseries? Tranquillity is found also in dungeons; but is that enough to make them desirable places to live in? The Greeks imprisoned in the cave of the Cyclops lived there very tranquilly, while they were awaiting their turn to be devoured.

To say that a man gives himself gratuitously, is to say what is absurd and inconceivable; such an act is null and illegitimate, from the mere fact that he who does it is out of his mind. To say the same

of a whole people is to suppose a people of madmen; and madness creates no right.

Even if each man could alienate himself, he could not alienate his children: they are born men and free; their liberty belongs to them, and no one but they has the right to dispose of it. Before they come to years of discretion, the father can, in their name, lay down conditions for their preservation and well-being, but he cannot give them irrevocably and without conditions: such a gift is contrary to the ends of nature, and exceeds the rights of paternity. It would therefore be necessary, in order to legitimize an arbitrary government, that in every generation the people should be in a position to accept or reject it; but, were this so, the government would be no longer arbitrary.

To renounce liberty is to renounce being a man, to surrender the rights of humanity and even its duties. For him who renounces everything no indemnity is possible. Such a renunciation is incompatible with man's nature; to remove all liberty from his will is to remove all morality from his acts. Finally, it is an empty and contradictory convention that sets up, on the one side, absolute authority, and, on the other, unlimited obedience. Is it not clear that we can be under no obligation to a person from whom we have the right to exact everything? Does not this condition alone, in the absence of equivalence or exchange, in itself involve the nullity of the act? For what right can my slave have against me, when all that he has belongs to me, and, his right being mine, this right of mine against myself is a phrase devoid of meaning?

Grotius and the rest find in war another origin for the so-called right of slavery. The victor having, as they hold, the right of killing the vanquished, the latter can buy back his life at the price of his liberty; and this convention is the more legitimate because it is to the advantage of both parties.

But it is clear that this supposed right to kill the conquered is by no means deducible from the state of war. Men, from the mere fact that, while they are living in their primitive independence, they have no mutual relations stable enough to constitute either the state of peace or the state of war, cannot be naturally enemies. War is constituted by

a relation between things, and not between persons; and, as the state of war cannot arise out of simple personal relations, but only out of real relations, private war, or war of man with man, can exist neither in the state of nature, where there is no constant property, nor in the social state, where everything is under the authority of the laws.

Individual combats, duels, and encounters, are acts which cannot constitute a state; while the private wars, authorized by the Establishments of Louis IX, King of France, and suspended by the Peace of God, are abuses of feudalism, in itself an absurd system if ever there was one, and contrary to the principles of natural right and to all good polity.

War then is a relation, not between man and man, but between State and State, and individuals are enemies only accidentally, not as men, nor even as citizens, but as soldiers; not as members of their country, but as its defenders. Finally, each State can have for enemies only other States, and not men; for between things disparate in nature there can be no real relation.

Furthermore, this principle is in conformity with the established rules of all times and the constant practice of all civilized peoples. Declarations of war are intimations less to powers than to their subjects. The foreigner, whether king, individual, or people, who robs, kills, or detains the subjects, without declaring war on the prince, is not an enemy, but a brigand. Even in real war, a just prince, while laying hands, in the enemy's country, on all that belongs to the public, respects the lives and goods of individuals: he respects rights on which his own are founded. The object of the war being the destruction of the hostile State, the other side has a right to kill its defenders, while they are bearing arms; but as soon as they lay them down and surrender, they cease to be enemies or instruments of the enemy, and become once more merely men, whose life no one has any right to take. Sometimes it is possible to kill the State without killing a single one of its members; and war gives no right which is not necessary to the gaining of its object. These principles are not those of Grotius: they are not based on the authority of poets, but derived from the nature of reality and based on reason.

The right of conquest has no foundation other than the right of the strongest. If war does not give the conqueror the right to massacre the conquered peoples, the right to enslave them cannot be based upon a right which does not exist. No one has a right to kill an enemy except when he cannot make him a slave, and the right to enslave him cannot therefore be derived from the right to kill him. It is accordingly an unfair exchange to make him buy at the price of his liberty his life, over which the victor holds no right. Is it not clear that there is a vicious circle in founding the right of life and death on the right of slavery, and the right of slavery on the right of life and death?

Even if we assume this terrible right to kill everybody, I maintain that a slave made in war, or a conquered people, under no obligation to a master, except to obey him as far as he is compelled to do so. By taking an equivalent for his life, the victor has not done him a favour; instead of killing him without profit, he has killed him usefully. So far then is he from acquiring over him any authority in addition to that of force, that the state of war continues to subsist between them: their mutual relation is the effect of it, and the usage of the right of war does not imply a treaty of peace. A convention has indeed been made; but this convention, so far from destroying the state of war, presupposes its continuance.

So, from whatever aspect we regard the question, the right of slavery is null and void, not only as being illegitimate, but also because it is absurd and meaningless. The words *slave* and *right* contradict each other, and are mutually exclusive. It will always be equally foolish for a man to say to a man or to a people: "I make with you a convention wholly at your expense and wholly to my advantage; I shall keep it as long as I like, and you will keep it as long as I like."

#### CHAPTER VI THE SOCIAL COMPACT

I suppose men to have reached the point at which the obstacles in the way of their preservation in the state of nature show their power of resistance to be

greater than the resources at the disposal of each individual for his maintenance in that state. That primitive condition can then subsist no longer; and the human race would perish unless it changed its manner of existence.

But, as men cannot engender new forces, but only unite and direct existing ones, they have no other means of preserving themselves than the formation, by aggregation, of a sum of forces great enough to overcome the resistance. These they have to bring into play by means of a single motive power, and cause to act in concert.

This sum of forces can arise only where several persons come together: but, as the force and liberty of each man are the chief instruments of his self-preservation, how can he pledge them without harming his own interests, and neglecting the care he owes to himself? This difficulty, in its bearing on my present subject, may be stated in the following terms:

"The problem is to find a form of association which will defend and protect with the whole common force the person and goods of each associate, and in which each, while uniting himself with all, may still obey himself alone, and remain as free as before." This is the fundamental problem of which the *Social Contract* provides the solution.

The clauses of this contract are so determined by the nature of the act that the slightest modification would make them vain and ineffective; so that, although they have perhaps never been formally set forth, they are everywhere the same and everywhere tacitly admitted and recognized, until, on the violation of the social compact, each regains his original rights and resumes his natural liberty, while losing the conventional liberty in favour of which he renounced it.

These clauses, properly understood, may be reduced to one—the total alienation of each associate, together with all his rights, to the whole community; for, in the first place, as each gives himself absolutely, the conditions are the same for all; and, this being so, no one has any interest in making them burdensome to others.

Moreover, the alienation being without reserve, the union is as perfect as it can be, and no associate has anything more to demand: for, if the individuals retained certain rights, as there would be no

common superior to decide between them and the public; each, being on one point his own judge, would ask to be so on all; the state of nature would thus continue, and the association would necessarily become inoperative or tyrannical.

Finally, each man, in giving himself to all, gives himself to nobody; and as there is no associate over which he does not acquire the same right as he yields others over himself, he gains an equivalent for everything he loses, and an increase of force for the preservation of what he has.

If then we discard from the social compact what is not of its essence, we shall find that it reduces itself to the following terms:

*"Each of us puts his person and all his power in common under the supreme direction of the general will, and, in our corporate capacity, we receive each member as an indivisible part of the whole."*

At once, in place of the individual personality of each contracting party, this act of association creates a moral and collective body, composed of as many members as the assembly contains voters, and receiving from this act its unity, its common identity, its life, and its will. This public person, so formed by the union of all other persons, formerly took the name of city, and now takes that of *Republic* or *body politic*; it is called by its members *State* when passive, *Sovereign* when active, and *Power* when compared with others like itself. Those who are associated in it take collectively the name of *people*, and severally are called *citizens*, as sharing in the sovereign power, and *subjects*, as being under the laws of the State. But these terms are often confused and taken one for another: it is enough to know how to distinguish them when they are being used with precision.

#### CHAPTER VII THE SOVEREIGN

This formula shows us that the act of association comprises a mutual undertaking between the public and the individuals, and that each individual, in making a contract, as we may say, with himself, is bound in a double capacity; as a member of the Sovereign he is bound to the individuals, and as a member of the State to the Sovereign. But the maxim of civil right, that no one is bound by under-

takings made to himself, does not apply in this case; for there is a great difference between incurring an obligation to yourself and incurring one to a whole of which you form a part.

Attention must further be called to the fact that public deliberation, while competent to bind all the subjects to the Sovereign, because of the two different capacities in which each of them may be regarded, cannot, for the opposite reason, bind the Sovereign to itself; and that it is consequently against the nature of the body politic for the Sovereign to impose on itself a law which it cannot infringe. Being able to regard itself in only one capacity, it is in the position of an individual who makes a contract with himself; and this makes it clear that there neither is nor can be any kind of fundamental law binding on the body of the people—not even the social contract itself. This does not mean that the body politic cannot enter into undertakings with others, provided the contract is not infringed by them; for in relation to what is external to it, it becomes a simple being, an individual.

But the body politic or the Sovereign, drawing its being wholly from the sanctity of the contract, can never bind itself, even to an outsider, to do anything derogatory to the original act, for instance, to alienate any part of itself, or to submit to another Sovereign. Violation of the act by which it exists would be self-annihilation; and that which is itself nothing can create nothing.

As soon as this multitude is so united in one body, it is impossible to offend against one of the members without attacking the body, and still more to offend against the body without the members resenting it. Duty and interest therefore equally oblige the two contracting parties to give each other help; and the same men should seek to combine, in their double capacity, all the advantages dependent upon that capacity.

Again, the Sovereign, being formed wholly of the individuals who compose it, neither has nor can have any interest contrary to theirs; and consequently the sovereign power need give no guarantee to its subjects, because it is impossible for the body to wish to hurt all its members. We shall also see later on that it cannot hurt any in particular.

The Sovereign, merely by virtue of what it is, is always what it should be.

This, however, is not the case with the relation of the subjects to the Sovereign, which, despite the common interest, would have no security that they would fulfil their undertakings, unless it found means to assure itself of their fidelity.

In fact, each individual, as a man, may have a particular will contrary or dissimilar to the general will which he has as a citizen. His particular interest may speak to him quite differently from the common interest: his absolute and naturally independent existence may make him look upon what he owes to the common cause as a gratuitous contribution, the loss of which will do less harm to others than the payment of it is burdensome to himself; and, regarding the moral person which constitutes the State as a *persona ficta*, because not a man, he may wish to enjoy the rights of citizenship without being ready to fulfil the duties of a subject. The continuance of such an injustice could not but prove the undoing of the body politic.

In order then that the social compact may not be an empty formula, it tacitly includes the undertaking, which alone can give force to the rest, that whoever refuses to obey the general will shall be compelled to do so by the whole body. This means nothing less than that he will be forced to be free; for this is the condition which, by giving each citizen to his country, secures him against all personal dependence. In this lies the key to the working of the political machine; this alone legitimizes civil undertakings, which, without it, would be absurd, tyrannical, and liable to the most frightful abuses.

#### CHAPTER VIII THE CIVIL STATE

The passage from the state of nature to the civil state produces a very remarkable change in man, by substituting justice for instinct in his conduct, and giving his actions the morality they had formerly lacked. Then only, when the voice of duty takes the place of physical impulses and right of appetite, does man, who so far had considered only himself, find that he is forced to act on different principles,

and to consult his reason before listening to his inclinations. Although, in this state, he deprives himself of some advantages which he got from nature, he gains in return others so great, his faculties are so stimulated and developed, his ideas so extended, his feelings so ennobled, and his whole soul so uplifted, that, did not the abuses of this new condition often degrade him below that which he left, he would be bound to bless continually the happy moment which took him from it for ever, and, instead of a stupid and unimaginative animal, made him an intelligent being and a man.

Let us draw up the whole account in terms easily commensurable. What man loses by the social contract is his natural liberty and an unlimited right to everything he tries to get and succeeds in getting; what he gains is civil liberty and the proprietorship of all he possesses. If we are to avoid mistake in weighing one against the other, we must clearly distinguish natural liberty, which is bounded only by the strength of the individual, from civil liberty, which is limited by the general will; and possession, which is merely the effect of force or the right of the first occupier, from property which can be founded only on a positive title.

We might, over and above all this, add, to what man acquires in the civil state, moral liberty, which alone makes him truly master of himself; for the mere impulse of appetite is slavery, while obedience to a law which we prescribe to ourselves is liberty. But I have already said too much on this head, and the philosophical meaning of the word liberty does not now concern us.

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#### Book II

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#### CHAPTER III WHETHER THE GENERAL WILL IS FALLIBLE

It follows from what has gone before that the general will is always right and tends to the public

advantage; but it does not follow that the deliberations of the people are always equally correct. Our will is always for our own good, but we do not always see what that is; the people is never corrupted, but it is often deceived, and on such occasions only does it seem to will what is bad.

There is often a great deal of difference between the will of all and the general will; the latter considers only the common interest, while the former takes private interest into account, and is no more than a sum of particular wills: but take away from these same wills the pluses and minuses that cancel one another, and the general will remains as the sum of the differences.

If, when the people, being furnished with adequate information, held its deliberations, the citizens had no communication one with another, the grand total of the small differences would always give the general will, and the decision would always be good. But when factions arise, and partial associations are formed at the expense of the great association, the will of each of these associations becomes general in relation to its members, while it remains particular in relation to the State; it may then be said that there are no longer as many votes as there are men, but only as many as there are associations. The differences become less numerous and give a less general result. Lastly, when one of these associations is so great as to prevail over all the rest, the result is no longer a sum of small differences, but a single difference; in this case there is no longer a general will, and the opinion which prevails is purely particular.

It is therefore essential, if the general will is to be able to express itself, that there should be no partial society within the State, and that each citizen should think only his own thoughts: which was indeed the sublime and unique system established by the great Lycurgus. But if there are partial societies, it is best to have as many as possible and to prevent them from being unequal, as was done by Solon, Numa, and Servius. These precautions are the only ones that can guarantee that the general will shall be always enlightened, and that the people shall in no way deceive itself.

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#### CHAPTER IV THE LIMITS OF THE SOVEREIGN POWER

If the State is a moral person whose life is in the union of its members, and if the most important of its cares is the care for its own preservation, it must have a universal and compelling force, in order to move and dispose each part as may be most advantageous to the whole. As nature gives each man absolute power over all his members, the social compact gives the body politic absolute power over all its members also; and it is this power which, under the direction of the general will, bears, as I have said, the name of Sovereignty.

But, besides the public person, we have to consider the private persons composing it, whose life and liberty are naturally independent of it. We are bound then to distinguish clearly between the respective rights of the citizens and the Sovereign, and between the duties the former have to fulfil as subjects, and the natural rights they should enjoy as men.

Each man alienates, I admit, by the social compact, only such part of his powers, goods, and liberty as it is important for the community to control; but it must also be granted that the Sovereign is sole judge of what is important.

Every service a citizen can render the State he ought to render as soon as the Sovereign demands it; but the Sovereign, for its part, cannot impose upon its subjects any fetters that are useless to the community, nor can it even wish to do so; for no more by the law of reason than by the law of nature can anything occur without a cause.

The undertakings which bind us to the social body are obligatory only because they are mutual; and their nature is such that in fulfilling them we cannot work for others without working for ourselves. Why is it that the general will is always in the right, and that all continually will the happiness of each one, unless it is because there is not a man who does not think of "each" as meaning him, and consider himself in voting for all? This proves that equality of rights and the idea of justice which such equality creates originate in the preference each man gives to himself, and accordingly in the very

nature of man. It proves that the general will, to be really such, must be general in its object as well as its essence; that it must both come from all and apply to all; and that it loses its natural rectitude when it is directed to some particular and determinate object, because in such a case we are judging of something foreign to us, and have no true principle of equity to guide us.

Indeed, as soon as a question of particular fact or right arises on a point not previously regulated by a general convention, the matter becomes contentious. It is a case in which the individuals concerned are one party, and the public the other, but in which I can see neither the law that ought to be followed nor the judge who ought to give the decision. In such a case, it would be absurd to propose to refer the question to an express decision of the general will, which can be only the conclusion reached by one of the parties and in consequence will be, for the other party, merely an external and particular will, inclined on this occasion to injustice and subject to error. Thus, just as a particular will cannot stand for the general will, the general will, in turn, changes its nature, when its object is particular, and, as general, cannot pronounce on a man or a fact. When, for instance, the people of Athens nominated or displaced its rulers, decreed honours to one, and imposed penalties on another, and, by a multitude of particular decrees, exercised all the functions of government indiscriminately, it had in such cases no longer a general will in the strict sense; it was acting no longer as Sovereign, but as magistrate. This will seem contrary to current views, but I must be given time to expound my own.

It should be seen from the foregoing that what makes the will general is less the number of voters than the common interest uniting them; for, under this system, each necessarily submits to the conditions he imposes on others: and this admirable agreement between interest and justice gives to the common deliberations an equitable character which at once vanishes when any particular question is discussed, in the absence of a common interest to unite and identify the ruling of the judge with that of the party.

From whatever side we approach our principle, we reach the same conclusion, that the social compact sets up among the citizens an equality of such a kind, that they all bind themselves to observe the same conditions and should therefore all enjoy the same rights. Thus, from the very nature of the compact, every act of Sovereignty, i.e. every authentic act of the general will, binds or favours all the citizens equally; so that the Sovereign recognises only the body of the nation, and draws no distinctions between those of whom it is made up. What, then, strictly speaking, is an act of Sovereignty? It is not a convention between a superior and an inferior, but a convention between the body and each of its members. It is legitimate, because based on the social contract, and equitable, because common to all; useful, because it can have no other object than the general good, and stable, because guaranteed by the public force and the supreme power. So long as the subjects have to submit only to conventions of this sort, they obey no one but their own will; and to ask how far the respective rights of the Sovereign and the citizens extend, is to ask up to what point the latter can enter into undertakings with themselves, each with all, and all with each.

We can see from this that the sovereign power, absolute, sacred, and inviolable as it is, does not and cannot exceed the limits of general conventions, and that every man may dispose at will of such goods and liberty as these conventions leave him; so that the Sovereign never has a right to lay more charges on one subject than on another, because, in that case, the question becomes particular, and ceases to be within its competency.

When these distinctions have once been admitted, it is seen to be so untrue that there is, in the social contract, any real renunciation on the part of the individuals, that the position in which they find themselves as a result of the contract is really preferable to that in which they were before. Instead of a renunciation, they have made an advantageous exchange: instead of an uncertain and precarious way of living they have got one that is better and more secure; instead of natural independence they have got liberty, instead of the power to harm

what gives us our security, only some of the risks we should have to run for ourselves, as soon as we lost it?

## REVIEW QUESTIONS

- How does Rousseau's conception of the origin of political society compare with that of Locke?
- According to Rousseau, what is the relation between human slavery and human nature?
- How do relations of subject and ruler come into being?
- What is the social contract?
- What is its relation to nature? To reason? To will?

OLAUDAH EQUIANO

**FROM *The Interesting Narrative of the Life of Olaudah Equiano, or Gustavus Vassa, the African***

One of the most notable records of the slave trade, which dominated African-European relations into the nineteenth century, was the autobiography of Equiano, an ex-slave living in London. He was remarkable not only because he survived the experience of capture, transportation, and exploitation, but also because he obtained sufficient education and opportunity to record his experiences. The extract provided here describes his first encounter with white men aboard a slave ship. Freed in 1766, he toured widely, speaking and writing against the slave trade until his death sometime between 1797 and 1801.

From *The Interesting Narrative of the Life of Olaudah Equiano, or Gustavus Vassa, the African*, Written by Himself, edited by Werner Sollors, Norton Critical Editions (New York: Norton, 2001), pp. 38–43.

The first object which saluted my eyes when I arrived on the coast was the sea, and a slave ship, which was then riding at anchor, and waiting for its cargo. These filled me with astonishment, which was soon converted into terror when I was carried on board. I was immediately handled and tossed up to see if I were sound by some of the crew; and I was now persuaded that I had gotten into a world of bad spirits, and that they were going to kill me. Their complexions too differing so much from ours, their long hair, and the language they spoke, (which was very different from any I had ever heard) united to confirm me in this belief. Indeed such were the horrors of my views and fears at the moment, that, if ten thousand worlds had been my own, I would have freely parted with them all to have exchanged my condition with that of the meanest slave in my own country. When I looked round the ship too and saw a large furnace or copper boiling, and a multitude of black people of every description chained together, every one of their countenances expressing dejection and sorrow, I no longer doubted of my fate; and, quite

overpowered with horror and anguish, I fell motionless on the deck and fainted. When I recovered a little I found some black people about me, who I believed were some of those who brought me on board, and had been receiving their pay; they talked to me in order to cheer me, but all in vain. I asked them if we were not to be eaten by those white men with horrible looks, red faces, and loose hair. They told me I was not; and one of the crew brought me a small portion of spirituous liquor in a wine glass; but, being afraid of him, I would not take it out of his hand. One of the blacks therefore took it from him and gave it to me, and I took a little down my palate, which, instead of reviving me, as they thought it would, threw me into the greatest consternation at the strange feeling it produced, having never tasted any such liquor before. Soon after this the blacks who brought me on board went off, and left me abandoned to despair. I now saw myself deprived of all chance of returning to my native country, or even the least glimpse of hope of gaining the shore, which I now considered as friendly; and I even wished for my former slavery

OLAUDAH EQUIANO: FROM *The Interesting Narrative of the Life of Olaudah Equiano* 645

in preference to my present situation, which was filled with horrors of every kind, still heightened by my ignorance of what I was to undergo. I was not long suffered to indulge my grief; I was soon put down under the decks, and there I received such a salutation in my nostrils as I had never experienced in my life: so that, with the loathsome smell of the stench, and crying together, I became so sick and low that I was not able to eat, nor had I the least desire to taste anything. I now wished for the last friend, death, to relieve me; but soon, to my grief, two of the white men offered me eatables; and, on my refusing to eat, one of them held me fast by the hands, and laid me across I think the windlass,<sup>1</sup> and tied my feet, while the other flogged me severely. I had never experienced any thing of this kind before; and although, not being used to the water, I naturally feared that element the first time I saw it, yet nevertheless, could I have got over the nettings, I would have jumped over the side, but I could not; and, besides, the crew used to watch us very closely who were not chained down to the decks, lest we should leap into the water: and I have seen some of these poor African prisoners most severely cut for attempting to do so, and hourly whipped for not eating. This indeed was often the case with myself. In a little time after, amongst the poor chained men, I found some of my own nation, which in a small degree gave ease to my mind. I inquired of these what was to be done with us; they gave me to understand we were to be carried to these white people's country to work for them. I then was a little revived, and thought, if it were no worse than working, my situation was not so desperate: but still I feared I should be put to death, the white people looked and acted, as I thought, in so savage a manner; for I had never seen among any people such instances of brutal cruelty; and this not only shewn towards us blacks, but also to some of the whites themselves. One white man in particular I saw, when we were permitted to be on deck, flogged so unmercifully with a large rope near the foremast, that he died in consequence of it; and they tossed him over the side as they would have done a brute. This made me fear these people the more; and I expected

<sup>1</sup> An apparatus for winding rope.

nothing less than to be treated in the same manner. I could not help expressing my fears and apprehensions to some of my countrymen: I asked them if these people had no country, but lived in this hollow place (the ship); they told me they did not, but came from a distant one. "Then," said I, "how comes it in all our country we never heard of them?" They told me because they lived so very far off. I then asked where were their women? had they any like themselves? I was told they had: "and why," said I, "do we not see them?" they answered, because they were left behind. I asked how the vessel could go? they told me they could not tell; but that there were cloths put upon the masts by the help of the ropes I saw, and then the vessel went on; and the white men had some spell or magic they put in the water when they liked in order to stop the vessel. I was exceedingly amazed at this account, and really thought they were spirits. I therefore wished much to be from amongst them, for I expected they would sacrifice me: but my wishes were vain; for we were so quartered that it was impossible for any of us to make our escape. While we stayed on the coast I was mostly on deck; and one day, to my great astonishment, I saw one of these vessels coming in with the sails up. As soon as the whites saw it, they gave a great shout, at which we were amazed; and the more so as the vessel appeared larger by approaching nearer. At last she came to an anchor in my sight, and when the anchor was let go I and my countrymen who saw it were lost in astonishment to observe the vessel stop; and were now convinced it was done by magic. Soon after this the other ship got her boats out, and they came on board of us, and the people of both ships seemed very glad to see each other. Several of the strangers also shook hands with us black people, and made motions with their hands, signifying I suppose we were to go to their country; but we did not understand them. At last, when the ship we were in had got in all her cargo, they made ready with many fearful noises, and we were all put under deck, so that we could not see how they managed the vessel. But this disappointment was the least of my sorrow. The stench of the hold while we were on the coast was so intolerably loathsome, that it was dangerous to remain there for any time,

and some of us had been permitted to stay on the deck for the fresh air; but now that the whole ship's cargo were confined together, it became absolutely pestilential. The closeness of the place, and the heat of the climate, added to the number in the ship, which was so crowded that each had scarcely room to turn himself, almost suffocated us. This produced copious perspirations, so that the air soon became unfit for respiration, from a variety of loathsome smells, and brought on a sickness among the slaves, of which many died, thus falling victims to the improvident avarice, as I may call it, of their purchasers. This wretched situation was again aggravated by the galling of the chains, now become insupportable; and the filth of the necessary tubs,<sup>2</sup> into which the children often fell, and were almost suffocated. The shrieks of the women, and the groans of the dying, rendered the whole a scene of horror almost inconceivable. Happily perhaps for myself I was soon reduced so low here that it was thought necessary to keep me almost always on deck; and from my extreme youth I was not put in fetters. In this situation I expected every hour to share the fate of my companions, some of whom were almost daily brought upon deck at the point of death, which I began to hope would soon put an end to my miseries. Often did I think many of the inhabitants of the deep much more happy than myself. I envied them the freedom they enjoyed, and as often wished I could change my condition for theirs. Every circumstance I met with served only to render my state more painful, and heighten my apprehensions, and my opinion of the cruelty of the whites. One day they had taken a number of fishes; and when they had killed and satisfied themselves with as many as they thought fit, to our astonishment who were on the deck, rather than give any of them to us to eat as we expected, they tossed the remaining fish into the sea again, although we begged and prayed for some as well as we could, but in vain; and some of my countrymen, being pressed by hunger, took an opportunity when they thought no one saw them, of trying to get a little privately; but they were discovered,

<sup>2</sup> Latrines.

<sup>3</sup> Instrument used to determine geographical latitude.  
<sup>4</sup> Or Barbados, the most easterly of the Caribbean islands.

and the attempt procured them some very severe floggings. One day, when we had a smooth sea and moderate wind, two of my wearied countrymen who were chained together (I was near them at the time), preferring death to such a life of misery, somehow made through the nettings and jumped into the sea: immediately another quite dejected fellow, who, on one account of his illness, was suffered to be out of irons, also followed their example; and I believe many more would very soon have done the same if they had not been prevented by the ship's crew, who were instantly alarmed. Those of us that were the most active were in a moment put down under the deck, and here was such a noise and confusion amongst the people of the ship as I never heard before, to stop her, and get the boat out to go after the slaves. However two of the wretches drowned, but they got the other, and afterwards flogged him unmercifully for thus attempting to prefer death to slavery. In this manner we continued to undergo more hardships than I can now relate, hardships which are inseparable from this accursed trade. Many a time we were near suffocation from the want of fresh air, which we were often without for whole days together. This, and the stench of the necessary tubs, carried off many. During our passage I first saw flying fishes, which surprised me very much: they used frequently to fly across the ship, and many of them fell on the deck. I also now first saw the use of the quadrant;<sup>3</sup> I had often with astonishment seen the mariners make observations with it, and I could not think what it meant. They at last took notice of my surprise; and one of them, willing to increase it, as well as to gratify my curiosity, made me one day look through it. The clouds appeared to me to be land, which disappeared as they passed along. This heightened my wonder; and I was now more persuaded than ever that I was in another world, and that every thing about me was magic. At last we came in sight of the island of Barbadoes,<sup>4</sup> at which the whites on board gave a great shout, and made

many signs of joy to us. We did not know what to think of this; but as the vessel drew nearer we plainly saw the harbour, and other ships of different kinds and sizes; and we soon anchored amongst them off Bridge Town.<sup>5</sup> Many merchants and planters now came on board, though it was in the evening. They put us in separate parcels, and examined us attentively. They also made us jump, and pointed to the land, signifying we were to go there. We thought by this we should be eaten by these ugly men, as they appeared to us; and, when soon after we were all put down under the deck again, there was much dread and trembling among us, and nothing but bitter cries to be heard all the night from these apprehensions, insomuch that at last the white people got some old slaves from the land to pacify us. They told us we were not to be eaten, but to work, and were soon to go on land, where we should see many of our country people. This report eased us much; and sure enough, soon after we were landed, there came to us Africans of all languages. We were conducted immediately to the merchant's yard, where we were all pent up together like so many sheep in a fold, without regard to sex or age. As every object was new to me every thing I saw filled me with surprise. What struck me first was that the houses were built with stories, and in every other respect different from those in Africa: but I was still more astonished on seeing people on horseback. I did not know what this could mean; and indeed I thought these people were full of nothing but magical arts. While I was in this astonishment one of my fellow prisoners spoke to a countryman of his about the horses, who said they were the same kind they had in their country. I understood them, though they were from a distant part of Africa, and I thought it odd I had not seen any horses there; but afterwards, when I came to converse with different Africans, I found they had many horses amongst them, and much larger than those I then saw. We were not many days in the merchant's custody before we were sold after their usual manner, which is this:—On a signal given, (as the beat of a drum) the buyers rush at once into

<sup>5</sup> Capital of Barbados.

the yard where the slaves are confined, and make choice of that parcel they like best. The noise and clamour with which this is attended, and the eagerness visible in the countenances of the buyers, serve not a little to increase the apprehensions of the terrified Africans, who may well be supposed to consider them as the ministers of that destruction to which they think themselves devoted. In this manner, without scruple, are relations and friends separated, most of them never to see each other again. I remember in the vessel in which I was brought over, in the men's apartment, there were several brothers, who, in the sale, were sold in different lots; and it was very moving on this occasion to see and hear their cries at parting. O, ye nominal Christians! might not an African ask you, learned you this from your God, who says unto you, Do unto all men as you would men should do unto you? Is it not enough that we are torn from our country and friends to toil for your luxury and lust of gain? Must every tender feeling be likewise sacrificed to your avarice? Are the dearest friends and relations, now rendered more dear by their separation from their kindred, still to be parted from each other, and thus prevented from cheering the gloom of slavery with the small comfort of being together and mingling their sufferings and sorrows? Why are parents to lose their children, brothers their sisters, or husbands their wives? Surely this is a new refinement in cruelty, which, while it has no advantage to atone for it, thus aggravates distress, and adds fresh horrors even to the wretchedness of slavery.

## REVIEW QUESTIONS

- What things capture Equiano's attention aboard the slave ship?
- How would you characterize his reactions?
- What is his view of his captors?
- For whom is Equiano writing?
- How does his writing reflect the general principles and goals of the Enlightenment?
- Does the Enlightenment inform Equiano's view of slavery?